

REMARKS

- B2
Cmt.
Subcl
Concl.
11. (new) A device for scanning an optical record carrier having a transparent layer and an information layer, comprising
- a radiation source for generating the radiation beam,
 - an objective system for converging the radiation beam through the transparent layer to a focus on the information layer,
 - a detection system for intercepting radiation from the record carrier, and
 - an optical wavefront modifier according to claim 9 is arranged in the optical path between the radiation source and the detection system, wherein the first and second directions of displacement are chosen to compensate for expected motions of the optical record carrier during play.

Add Cl 7

REMARKS

The title

The title has been revised as requested by the Examiner. Applicants respectfully submit, however, that the previous title was better because it was less cumbersome.

Rejections under section 112

Claims 2 and 5 have been revised as requested by the Examiner in order to advance prosecution. Applicants respectfully submit, though, that the rejections under section 112 were improper as the claims were clear to one of ordinary skill in the art. These rejections would have been better phrased as objections, since the issues pointed to failed to rise to the level of true indefiniteness under section 112, and instead related to issues of style and preference. Applicants respectfully submit that the claims now and previously also did satisfy 35 U.S.C. § 112.

Since these changes were made merely to improve the form of the claims, Applicants respectfully submit that the claims have NOT been narrowed and accordingly that no file wrapper estoppel should ensue.

New claims

New claims 6-7 re-introduce dependencies that were previously expressed as multiple dependencies prior to the preliminary amendment.

New claims 8-11 recite additional patentable distinctions over the reference particularly with respect to displacement of the center of symmetry of the electrodes with respect to the radiation beam. These claims relate to embodiments such as are shown in figures 4A and 4B.

REMARKS

Art rejections

Claim 1 has been amended to incorporate the limitations of claim 4. Old claim 4 has been cancelled. The rejection of claim 4 is respectfully traversed.

The Examiner purports to find the limitations of claim 4 in Figures 3 and 4 of Wada. Applicants respectfully submit that the Examiner has mischaracterized these figures. Wada's figure 3 shows electrodes A, B, C, D, and E to the left of the figure, while the resistances, r1, r2, r3, and r4 are to the right of the figure. This means that the resistors are distinct from and not integrated in the electrodes as recited in Applicants old claim 4. Figure 4 of Wada is only a circuit diagram of an equivalent circuit. It does not show any integration of resistors in electrodes.

Applicants accordingly respectfully submit that claim 1, as amended, distinguishes patentably over Wada and Ohsata combined with Wada.

The Examiner's other rejections and/or points of argument not addressed would appear to be moot in view of the foregoing. Nevertheless, Applicants reserve the right to respond to those rejections and arguments and to advance additional arguments at a later date.

REMARKS

Please charge any fees other than the issue fee to deposit account 14-1270. Please credit any overpayments to the same account.

Applicants respectfully submit that they have answered each issue raised by the Examiner and that the application is accordingly in condition for allowance. Allowance is therefore respectfully requested.

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Respectfully submitted,

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